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Remarks

Claims 1, 2-3 (each amended), 4-10, 18, 19-21 (each amended), 22-27, 37 (amended), 39 and 40-41 (new) are pending. Claims 11-17, 28-36 and 38 have been cancelled to simplify prosecution. Applicants respectfully request reconsideration of this application in view of the amendments made to the claims and the following remarks.

Amendments to the Specification and Claims

Paragraph [0006] has been amended to cite U.S. Patent 5,446,477 and to eliminate the citation to 5,446,447 in order to correct a typographical error. Applicants' submit that a person of skill in the art would recognize, upon a comparison of these patents, that Applicants' citation of the '447 patent instead of the '477 patent was the result of a typographical error.

Claims 2, 3, 19, and 20-21 have been amended to more particularly define the claimed invention without narrowing the scope of the claims. Claim 37 has been amended to depend from claim 28 in order to simplify prosecution. New claims 40 and 41 recite that the laser imaging head moves along the longitudinal axis of the cylindrical drum and relative to the donor sheet and acceptor element. Support for this amendment may be found in paragraphs [0038-0039], which report the manner in which the laser imaging head traverses to provide a moving focal point. Notably, these paragraphs lack any description regarding movement of the donor sheet, and therefore, it is inherent within the description that the donor sheet does not move relative to the laser imaging head.

Objection to the Specification and Claim Rejection under 35 U.S.C. § 112

The Office Action objected to the amendments made to the specification as part of Applicants' Amendment mailed July 31, 2003. Specifically, the Office Action objected to Figures 14-17 and any paragraphs pertaining to these figures. Additionally, claims 1-3, 6, 9, 10, 18, 20, 23, 27 and 37 were rejected under § 112 for failing to comply with the written description requirement. Specifically, the Office Action stated that these claims include

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subject matter not described in the specification (as originally filed) in such a way as to convey to one skilled in the art that the inventor possessed the claimed invention.

In the Amendment mailed July 21, the amendments to the specification and drawings were made to clarify that the donor sheet is configured to be brought into substantially coextensive contact along the width of the acceptor element. Likewise, the amended claims recite that the donor sheet is place into substantially coextensive contact with the acceptor element.

Applicants acknowledge that support for these amendments is not expressly reported in the originally filed application. However, contrary to the Office Action, Applicants respectfully submit that, viewing the application in its entirety, one of skill in the art would recognize that the originally filed application inherently conveyed these features.

The present application consistently refers to (and claims) the donor material as a "donor sheet." Although this term is not expressly defined in the application, several patents cited in the present application support an interpretation of this term as meaning that the donor material has a width approximately equal to or greater than the width of the acceptor element. For Example, U.S. Patent No. 5,446,477, cited in amended paragraph [0006], reports the use of a donor sheet that *is placed over essentially the entire drum* (Col. 2, line 14). U.S. Patent No. 5,257,038 reports a donor sheet that completely covers (and is actually wider then) than the receiver sheet (Co. 11, lines 56-63). U.S. Patent No. 6,204,874 reports a donor sheet with similar dimensions (Col 3, lines 50-56). Upon reading the application in view of these cited references, one of skill in the art would interpret the term "donor sheet" as meaning a donor member having a width similar to the width of the acceptor element, which would therefore necessitate substantially coextensive contact along the width of the acceptor element.

The present application further supports this interpretation of the term "donor sheet". Paragraph [0006] reports that when an external drum arrangement has been used (in conventional devices), the donor sheet has been secured over and substantially coextensively with the acceptor sheet. Because the present invention is directed to external drum arrangements, one of skill in the art would interpret this paragraph as indicating that the

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donor sheet of the present invention is configured for substantially coextensive contact along the width of the acceptor element. Furthermore, paragraph [0015] reports that the contact between the donor sheet and the acceptor element may be *either substantially static contact or substantially intimate rolling contact*. Importantly, this paragraph does not describe any sliding or traversing interaction between the donor sheet and the acceptor element that would be required if the donor sheet had a substantially smaller width than the receiving element. This would indicate to a person of skill in the art that the donor sheet does not move relative to the axis of the cylindrical drum, and is therefore configured for substantially coextensive contact with the acceptor element.

Further support may be found in the portions of the specification describing the laser imaging head. For example, paragraph [0038] reports that the laser imaging head provides the laser scanning function by travelling in a suitable guide track (not shown) parallel to the axis of the cylindrical drum. Notably, there is absolutely no description or suggestion that the donor sheet travels in conjunction with the movement of the laser. However, the donor sheet would have to move along the longitudinal axis of the cylindrical drum if the donor sheet was not brought into substantially coextensive contact with the acceptor element. This too would convey to a person of skill in the art that the donor sheet does not move relative to the axis of the cylindrical drum, and is therefore configured for substantially coextensive contact with the acceptor element.

Likewise, paragraph [0038] reports that the focal point of the laser imaging head is at or proximate to the interface between the donor sheet and the acceptor element, and imaging is accomplished by moving the focal point in a reciprocating fashion. Again, the absence of any description related to the movement of the donor sheet would indicate to a person of skill in the art that the donor sheet does not move relative to the axis of the cylindrical drum, and is therefore configured for substantially coextensive contact with the acceptor element.

Applicants respectfully submit that Figures 14-17 and claims 1-3, 6, 9, 10, 18, 20, 23, 27 and 37 are supported by the application as originally filed. Applicants respectfully request withdrawal of this new matter objection and claims rejection.

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Rejection Under 35 U.S.C. 103

Claims 1-6, 9-10, 12-23, 26-27, 29-32 and 35-38 were rejected under § 103 as being obvious over U.S. Patent No. 6,222,567 to Schuster et al. in view of U.S. Patent No. 5,818,493 to Mc Clain et al. More particularly, the Office Action stated that Schuster et al. reports all claimed features with the exception of providing substantially coextensive contact along the width of a portion of the acceptor element. The Office Action further states, however, that Mc Clain et al. reports substantially coextensive contact between the donor sheet and the acceptor element, and that a person of ordinary skill in the art would have been motivated to utilize substantially coextensive contact in Schuster et al. based on Mc Clain et al.

Schuster et al. reports a tape transport mechanism including a supply roll 4 and a rewind roll 5 having associated drives 4a and 5a, two contact rolls 6a and 6b, and two guide rolls 7a and 7b, which lead a tape-like transfer film or tape 8 into contact with a substrate cylinder 1 (col 3, lines 49-58). A laser writing head focuses one or more beams onto the transfer tape 8. Furthermore, as shown in Figure 2, the laser writing head and the tape guide mechanism 4, 4a, 5, 5a, 6 and 7 are jointly arranged on a traversing unit 3 such that they can be moved over the width B of substrate cylinder 1.

Mc Clain et al. reports a thermal printer 10, which includes a *stationary* thermal head 16, as well as a mechanism for pressing the donor element and the receiver element against the printing drum (Col. 4, lines 38).

Applicants respectfully submit that there is no motivation to modify Schuster et al. as suggested by the Office Action because such a modification would render the device reported in Schuster et al. inoperable. As previously noted, the tape guide mechanism and the laser writing head are jointly arranged on a traversing unit. This is necessitated by the fact that the donating ribbon is significantly narrower than the acceptor sheet. However, if the donating material of Schuster et al. were modified to have a width similar to the acceptor sheet, the joint traversing arrangement between the donating material and the laser head would be rendered inoperable. Specifically, the donating material could not be effectively

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traversed along the carriage as reported in Schuster et al. if it already had a comparable width to the acceptor sheet. Applicants respectfully request withdrawal of this rejection.

Claims 7, 8, 24, 25 and 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuster et al. in view of Mc Lain et al. and U.S. Patent No. 6,291,143 to Patel et al. More particularly, the Office Action stated that Patel et al. includes a photothermal converter and that it would have been obvious to modify the combination of McLain et al. and Schuster et al. to include a photothermal converter.

Patel et al. reports a thermal imaging element including a photothermal converting dye. However, Patel et al. does not discuss thermal imaging apparatuses, and thus, does not provide any motivation to combine Schuster et al. and Mc Lain et al. as asserted by the Examiner. Therefore, Applicants reiterate their above remarks that there is no motivation to combine Schuster et al. and Mc Lain et al., and respectfully request withdrawal of this rejection.

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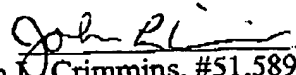
CONCLUSION

The pending claims are in condition for allowance. Applicants respectfully request a notice to that effect. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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